

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEREMY STARK,

Plaintiff,

v.

TRUEACCORD CORP., et al.,

Defendants.

Case No. [20-cv-02898-HSG](#)

**ORDER DENYING CROSS-MOTIONS
FOR PARTIAL SUMMARY
JUDGMENT AND DENYING MOTION
FOR SANCTIONS**

Re: Dkt. Nos. 26, 30, 31

Plaintiff Jeremy Stark alleges that Defendants TrueAccord Corp. (“TrueAccord”) and LVNV Funding, LLC (“LVNV”) violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §§ 1692g(b), 1692e, and 1692f. Dkt. No. 1 (“Compl.”). Pending before the Court are Defendants’ motion for summary judgment,¹ *see* Dkt. Nos. 26, 32, 40, Plaintiff’s motion for partial summary judgment, *see* Dkt. Nos. 31, 34, 42, and Defendants’ motion for sanctions, *see* Dkt. Nos. 30, 33, 41.²

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¹ Defendants raise no specific arguments about Plaintiff’s claims under Section 1692e and Section 1692f in their motion. Accordingly, the Court construes Defendants’ motion for summary judgment on “Plaintiff’s one-count complaint,” *see* Dkt. No. 26 at 1, as a motion for partial summary judgment on Plaintiff’s claim under Section 1692g(b).

² On April 16, 2021, the Court held a hearing on the cross-motions for partial summary judgment. Dkt. No. 45. With respect to the motion for sanctions, the Court finds this matter appropriate for disposition without oral argument and the matter is deemed submitted. *See* Civil L.R. 7-1(b).

1 Because the Court finds the matter is not appropriate for resolution on summary judgment
2 given arguable ambiguities in the record regarding service of discovery responses and the receipt
3 of any dispute letter, the Court **DENIES** the parties' cross-motions for partial summary judgment.
4 Further, because the Court finds that sanctions are not warranted in this case, the Court **DENIES**
5 Defendants' motion for sanctions. The parties are reminded that under the Court's pretrial
6 standing order their pretrial filings are due on June 8, 2021, and any motions in limine are due on
7 June 1, 2021. The parties will be strictly held to these filing requirements if they do not settle the
8 case before these deadlines, which will not be continued. Moreover, the Court informs the parties
9 that it will not entertain any request to continue the July 6, 2021 trial date, and the parties must be
10 prepared to proceed on that date if they cannot settle this case.

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12 **IT IS SO ORDERED.**

13 Dated: 4/28/2021

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15 HAYWOOD S. GILLIAM, JR.
16 United States District Judge
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